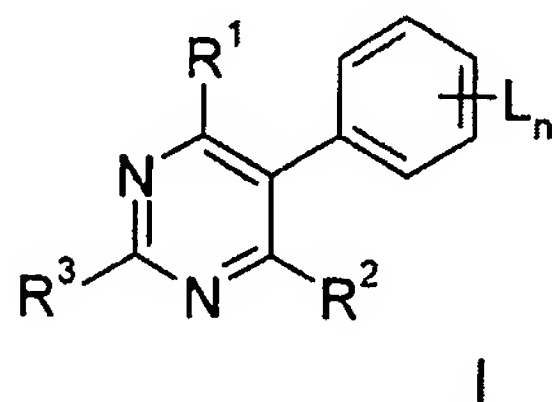


**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A pyrimidine of the formula I



in which the index and the substituents are as defined below:

- n is an integer from 1 to 5;
- L is halogen, cyano, nitro, cyanato (OCN), C<sub>1</sub>-C<sub>8</sub>-alkyl, C<sub>2</sub>-C<sub>10</sub>-alkenyl, C<sub>2</sub>-C<sub>10</sub>-alkynyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>2</sub>-C<sub>10</sub>-alkenyloxy, C<sub>2</sub>-C<sub>10</sub>-alkynyloxy, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkenyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkoxy, C<sub>3</sub>-C<sub>6</sub>-cycloalkenyloxy, -C(=S)-N(A')A, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)<sub>m</sub>-A, S(=O)<sub>m</sub>-O-A or S(=O)<sub>m</sub>-N(A')A;

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkenyl, where the organic radicals may be partially or fully halogenated or may be substituted by cyano or C<sub>1</sub>-C<sub>4</sub>-alkoxy, or A and A' together with the atoms to which they are attached are a five- or six-

membered saturated, partially unsaturated or aromatic heterocycle  
which contains one to four heteroatoms from the group consisting  
of O, N and S;

R<sup>1</sup> is C<sub>1</sub>-C<sub>10</sub>-alkyl, C<sub>2</sub>-C<sub>10</sub>-alkenyl, C<sub>2</sub>-C<sub>10</sub>-alkynyl, C<sub>3</sub>-C<sub>12</sub>-cycloalkyl, C<sub>3</sub>-C<sub>10</sub>-  
cycloalkenyl;

R<sup>2</sup> is halogen, cyano, ~~C<sub>1</sub>-C<sub>4</sub>-alkyl, C<sub>2</sub>-C<sub>4</sub>-alkenyl, C<sub>2</sub>-C<sub>4</sub>-alkynyl~~, C<sub>1</sub>-C<sub>4</sub>-alkoxy,  
C<sub>3</sub>-C<sub>4</sub>-alkenyloxy or C<sub>3</sub>-C<sub>4</sub>-alkynyloxy;

R<sup>3</sup> is a five- or six-membered saturated, partially unsaturated or aromatic mono- or  
bicyclic heterocycle which contains one to four heteroatoms from the group  
consisting of O, N and S,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, R<sup>1</sup>, R<sup>2</sup>  
and/or R<sup>3</sup> for their part may be partially or fully halogenated or may carry one to four  
groups R<sup>a</sup>:

R<sup>a</sup> is halogen, cyano, C<sub>1</sub>-C<sub>8</sub>-alkyl, C<sub>2</sub>-C<sub>10</sub>-alkenyl, C<sub>2</sub>-C<sub>10</sub>-alkynyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy,  
C<sub>2</sub>-C<sub>10</sub>-alkenyloxy, C<sub>2</sub>-C<sub>10</sub>-alkynyloxy, OH, SH, two vicinal groups R<sup>a</sup> may be  
(=O) or (=S), C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkenyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkoxy, C<sub>3</sub>-C<sub>6</sub>-  
cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA),

$N(A')A$ ,  $N(A')-C(=O)-A$ ,  $N(A'')-C(=O)-N(A')A$ ,  $S(=O)_m-A$ ,  $S(=O)_m-O-A$  or  $S(=O)_m-N(A')A$ , where  $m$ ,  $A$ ,  $A'$ ,  $A''$  are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups  $R^b$ , where  $R^b$  has the same meaning as  $R^a$ .

2. (Currently Amended) A pyrimidine as claimed in claim 1, in which the index and the substituents are as defined below:

$L$  is halogen, cyano,  $C_1-C_8$ -alkyl,  $C_2-C_{10}$ -alkenyl,  $C_2-C_{10}$ -alkynyl,  $C_1-C_6$ -alkoxy,  $C_2-C_{10}$ -alkenyloxy,  $C_2-C_{10}$ -alkynyloxy,  $-C(=O)-O-A$ ,  $N(A')-C(=O)-A$  or  $S(=O)_m-A$ ;

$m$  is 0, 1 or 2;

$A, A', A''$  independently of one another are hydrogen,  $C_1-C_6$ -alkyl,  $C_2-C_6$ -alkenyl,  $C_2-C_6$ -alkynyl,  $C_3-C_8$ -cycloalkyl, where the organic radicals may be partially or fully halogenated or  $A$  and  $A'$  together with the atoms to which they are attached are a partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

$R^1$  is  $C_1$ - $C_{10}$ -alkyl,  $C_2$ - $C_{10}$ -alkenyl,  $C_2$ - $C_{10}$ -alkynyl,  $C_3$ - $C_{12}$ -cycloalkyl,  
 $C_3$ - $C_{10}$ -cycloalkenyl;

$R^2$  is  ~~$C_1$ - $C_4$ -alkyl~~, cyano or chlorine,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L,  $R^1$  and/or  $R^3$  for their part may be partially or fully halogenated or may carry one to four groups  $R^a$ :

$R^a$  is halogen, cyano,  $C_1$ - $C_8$ -alkyl,  $C_2$ - $C_{10}$ -alkenyl,  $C_2$ - $C_{10}$ -alkynyl,  $C_1$ - $C_6$ -alkoxy,  $C_2$ - $C_{10}$ -alkenyloxy,  $C_2$ - $C_{10}$ -alkynyloxy,  $C_3$ - $C_6$ -cycloalkyl,  $C_3$ - $C_6$ -cycloalkenyl,  $C_3$ - $C_6$ -cycloalkoxy,  $C_3$ - $C_6$ -cycloalkenyloxy,  $-C(=O)-A$ ,  $-C(=O)-O-A$ ,  $-C(=O)-N(A')A$ ,  $C(A')(=N-OA)$ ,  $N(A')A$ ,  $N(A')-C(=O)-A$ ,  $N(A'')-C(=O)-N(A')A$ ,  $S(=O)_m-A$ ,  $S(=O)_m-O-A$  or  $S(=O)_m-N(A')A$ .

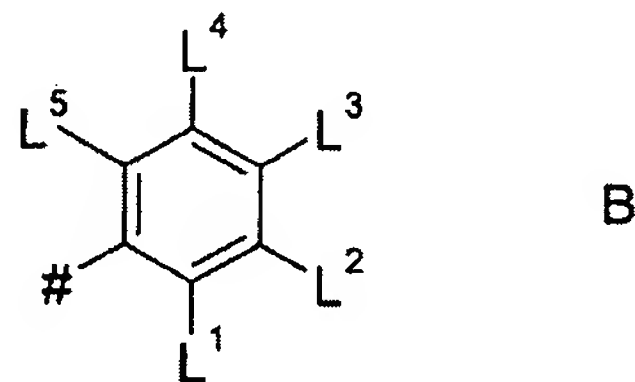
3. (Original) A pyrimidine as claimed in claim 1, in which  $R^3$  is pyrrolyl, pyrazolyl, imidazolyl, 1,2,3-triazolyl, 1,2,4-triazolyl, tetrazolyl, oxazolyl, isoxazolyl, 1,3,4-oxadiazolyl, furanyl, thiophenyl, thiazolyl, isothiazolyl, pyridinyl, pyrimidinyl, pyrazinyl, pyridazinyl, 1,2,3-triazinyl, 1,2,4-triazinyl, pyrrolidinyl, piperidinyl, hexahydroazepinyl or dihydropyridinyl, where the heterocycle may be attached to the pyrimidine ring via carbon or nitrogen and may carry up to three substituents  $R^a$ :

$R^a$  is halogen, cyano,  $C_1$ - $C_8$ -alkyl,  $C_2$ - $C_{10}$ -alkenyl,  $C_2$ - $C_{10}$ -alkynyl,  $C_1$ - $C_6$ -alkoxy,  $C_2$ - $C_{10}$ -alkenyloxy,  $C_2$ - $C_{10}$ -alkynyloxy, OH, SH, two vicinal groups  $R^a$  may be (=O) or (=S),  $C_3$ - $C_6$ -cycloalkyl,  $C_3$ - $C_6$ -cycloalkenyl,  $C_3$ - $C_6$ -cycloalkoxy,  $C_3$ - $C_6$ -cycloalkenyloxy,  $-C(=O)-A$ ,  $-C(=O)-O-A$ ,  $-C(=O)-N(A')A$ ,  $C(A')(=N-OA)$ ,  $N(A')A$ ,  $N(A')-C(=O)-A$ ,  $N(A'')-C(=O)-N(A')A$ ,  $S(=O)_m-A$ ,  $S(=O)_m-O-A$  or  $S(=O)_m-N(A')A$ .

4. (Original) A pyrimidine as claimed in claim 1, in which  $R^3$  is pyrazol-1-yl, [1,2,4]-triazol-1-yl, pyridin-2-yl, pyrimidin-2-yl, pyridazin-3-yl, pyrrolidin-2-on-1-yl, piperidin-2-on-1-yl, hexahydro-2H-azepin-2-on-1-yl, pyrrolidin-2-thion-1-yl, piperidin-2-thion-1-yl, hexahydro-2H-azepin-2-thion-1-yl, 1,2-dihydropyridin-2-on-1-yl.

5. (Currently Amended) A pyrimidine as claimed in claim 1, in which  $R^2$  is methyl, chlorine or ethyl.

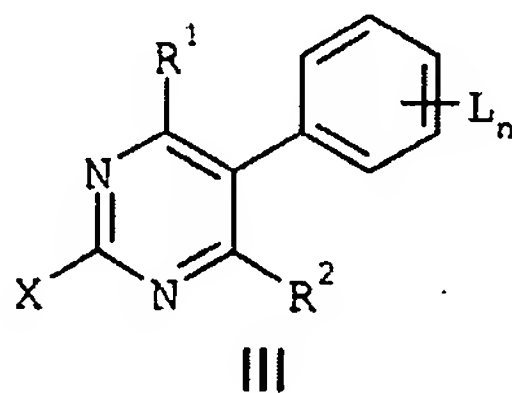
6. (Previously Presented) A pyrimidine as claimed in any of claims 1 to 5, in which the phenyl group substituted by  $L_n$  is the group B



where # is the point of attachment to the pyrimidine skeleton and

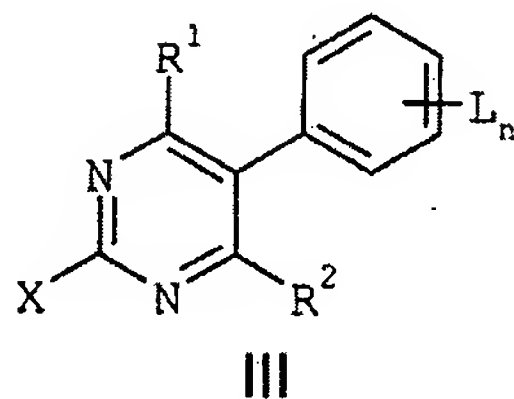
- $L^1$  is fluorine, chlorine,  $\text{CH}_3$  or  $\text{CF}_3$ ;
- $L^2, L^4$  independently of one another are hydrogen,  $\text{CH}_3$  or fluorine;
- $L^3$  is hydrogen, fluorine, chlorine, bromine, cyano,  $\text{CH}_3$ ,  $\text{SCH}_3$ ,  $\text{OCH}_3$ ,  $\text{SO}_2\text{CH}_3$ ,  $\text{CO-NH}_2$ ,  $\text{CO-NHCH}_3$ ,  $\text{CO-NHC}_2\text{H}_5$ ,  $\text{CO-N(CH}_3)_2$ ,  $\text{NH-C(=O)CH}_3$ ,  $\text{N(CH}_3)_2\text{-C(=O)CH}_3$  or  $\text{COOCH}_3$  and
- $L^5$  is hydrogen, fluorine, chlorine or  $\text{CH}_3$ .

7. (Currently Amended) A process for preparing ~~pyrimidines~~ a pyrimidine of the formula I as claimed in claim 1, where  $\text{R}^3$  is a nitrogen-containing heterocycle attached via nitrogen, which comprises reacting a compound of the formula III,



in which the substituents  $L_n$ ,  $\text{R}^1$  and  $\text{R}^2$  are as defined in claim 1 and X is halogen,  $\text{C}_1\text{-C}_6\text{-alkoxy}$ ,  $\text{C}_1\text{-C}_6\text{-alkylthio}$ ,  $\text{C}_1\text{-C}_6\text{-alkylsulfoxyl}$  or  $\text{C}_1\text{-C}_6\text{-alkylsulfenyl}$ , with a heterocycle of the formula  $\text{R}^3\text{-H}$  (IV), ~~if appropriate~~ optionally in the presence of a base.

8. (Original) An intermediate of the formula III



in which the substituent  $R^1$  is as defined in claim 1,  $L_n$  is as defined in claim 2, X is as defined in claim 7 and  $R^2$  is cyano,  $C_1$ - $C_4$ -alkyl,  $C_2$ - $C_4$ -alkenyl,  $C_2$ - $C_4$ -alkynyl,  $C_1$ - $C_4$ -alkoxy,  $C_3$ - $C_4$ -alkenyloxy or  $C_3$ - $C_4$ -alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of  $R^2$  may be substituted by halogen, cyano, nitro,  $C_1$ - $C_2$ -alkoxy or  $C_1$ - $C_4$ -alkoxycarbonyl.

9. (Original) A pesticidal composition, which comprises a solid or liquid carrier and a compound of the formula I as claimed in claim 1.

10. (Original) A method for controlling phytopathogenic harmful fungi, which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I as claimed in claim 1.

11. (New) A pyrimidine as claimed in claim 1, wherein  $R^2$  is halogen, cyano or  $C_1$ - $C_4$ -alkoxy.

12. (New) A pyrimidine as claimed in claim 1, wherein  $R^1$  is  $C_3$ - $C_8$ -alkyl,  $C_3$ - $C_8$ -alkenyl,  $C_3$ - $C_8$ -alkynyl,  $C_3$ - $C_6$ -cycloalkyl or  $C_5$ - $C_6$ -cycloalkenyl.
13. (New) A pyrimidine as claimed in claim 1, wherein  $R^1$  is  $C_1$ - $C_6$ -alkyl or  $C_1$ - $C_6$ -haloalkyl.
14. (New) A pyrimidine as claimed in claim 1, wherein  $R^1$  is selected from the group consisting of 2-methyl-butyl, cyclohexyl, but-1-en-4-yl, methyl, 3-methyl-but-1-enyl, 2-hydroxy-3-methyl-butyl, and 2-methyl-propyl.
15. (New) The pyrimidine of claim 14, wherein  $R^2$  is halogen, cyano or  $C_1$ - $C_4$ -alkoxy.
16. (New) The pyrimidine of claim 15, wherein  $R^3$  is selected from the group consisting of [1,2,4] triazol-1-yl, pyrazol-1-yl, 1,2,3-triazol-1-yl, 3-cyano-1,2,4-triazol-1-yl, 7-amino-indazol-1-yl, and 3-amino-pyrazol-1-yl.